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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/727,669	12/05/2003	Frank Verschuere	007476-0307163	8469

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EXAMINER
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CONLEY, FREDRICK C

ART UNIT	PAPER NUMBER
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3673

DATE MAILED: 04/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/727,669	Applicant(s) VERSCHUERE ET AL. <span style="float: right;">✓</span>	
	Examiner FREDRICK C CONLEY	Art Unit 3673	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 07 January 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

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### ***Drawings***

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the top portion of the second member is, as a whole, translatable in height adjustment direction of the least one slat, up to the level of the second connecting means must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Objections***

Claim 9 is objected to because of the following informalities: The Applicant recites "to be received a corresponding". Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-2, 4, 5-9, and 11-12 are rejected under 35. U.S.C. 102(b) as being anticipated by U.S. Pat. No. 4,752,981 to Salens.

Claim 1, Salens discloses a device for attaching at least one slat of a slatted base to a frame of the slatted base, the device comprising a first member (7) arranged to be attached to the inner side of the frame of the slatted base and comprising first connecting means (6), a second member (1) comprising a top portion (2) arranged to engage an extremity of at least one slat of the slatted base, a base portion (4) connected to the top portion by means of at least one resilient member (3), and second connecting means (5) arranged to cooperate with the first connecting means so as to allow connecting the first member to the second member in a plurality of relative positions with respect to each other in view of adjusting the position of the at least one slat with respect to the frame of the slatted base, characterized in that the resilient member and second connecting means are disposed with respect to each other on the

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second member in such a way that when compressing the resilient member, the top portion of the second member is inherently, as a whole, translatable in height adjustment direction of the least one slat, up to the level of the second connecting means.

Claim 2, wherein the said resilient member is disposed laterally with respect to the second connecting means.

Claim 4, wherein said base portion of said second member is rigid and in that said top portion of said second member is flexible (col. 2 lines 32-38). Rigid is defined as not moving; stationary thus the base portion 4 is interpreted as being rigid/stationary once it is mounted to the hard first member 7 while the top portion is flexible since the second member is constructed from a flexible resilient material.

Claim 5, wherein each resilient member is integral with said base and top portion of said second member (fig. 1).

Claim 6, wherein said first connecting means comprises at least one protrusion and in that said second connecting means comprises a plurality of recesses disposed above each other in the height adjustment direction of said at least one slat with respect to said frame, the recesses being provided for receiving said protrusion (fig. 1).

Claim 7, wherein said protrusion and recesses extend under an angle of less than 90 degrees, coincident, with respect to the height adjustment direction of said at least one slat (fig. 5-6).

Claim 8, wherein each of the recesses comprise a bottom of the base with a hole, in that each protrusion comprises at its free extremity a pin protruding there from, the pin

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being positioned in such a way that it is visible when the protrusion is fully inserted in a corresponding recess (fig. 1).

Claim 9, wherein said first connecting means comprises two protrusions spaced from each other in height direction of the first member and of the slatted base, each protrusion being arranged to be received in a corresponding recess of the second connecting means (fig. 1).

Claim 11, wherein said top portion of said second member has a wing member extending in the direction of engagement of an extremity of a slat of said slatted base within said top portion and arranged for prolonging said extremity above the frame of the slatted base (fig. 1).

Claim 12, wherein the base portion of the second member comprises two lateral flaps/claws 11 capable of being handled by a person.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. No. 4,752,981 to Salens in view of U.S. Pat. No. 5,924,149 to Weber.

Claim 3, Salens discloses all of the Applicant's claimed limitations except for the second member comprising a first and a second resilient member, disposed on opposite

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sides of said second connecting means. Weber discloses a device having a second member comprising a first and a second resilient member (1,2',6')(1,2,6), disposed on opposite sides of said second connecting means (fig. 1a). It would have been obvious for one having ordinary skill in the art at the time of the invention to employ first and second resilient members as taught by Weber in order to provide optimal adjustment and positive support.

Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. No. 4,752,981 to Salens.

Claim 10, Salens discloses all of the Applicant's claimed limitations except for the protrusion and recess having a truncated conical shape. It would have been obvious for one having ordinary skill in the art at the time of the invention to have a conical shape for the protrusion and recess since a mere change in shape is well known and it is not a considered a critical feature of the present invention.

### ***Response to Arguments***

Applicant's arguments filed 1/07/05 have been fully considered but they are not persuasive.

Although Salens is silent to the Applicant's claimed feature, the top portion 2 of Salens is clearly inherently capable of translating in the height adjustment direction of the one slat, up the level of the second connecting means 5 once a load is placed on the top portion and the resilient member 3 is compressed as a result of the load being applied. The connection between the top portion and the second connection means does not, as argued, prevent the resilient member from compressing as a load is

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applied and thereby allowing the top portion to translate to the level of the second connection means.

Rigid is defined as not moving; stationary thus the base portion is interpreted as being rigid/stationary once it is mounted to the hard first member 7 while the top portion is flexible since the second member is constructed from a flexible resilient material (col. 2 lines 32-38).

As stated above, Salens is clearly inherently capable of translating in the height adjustment direction of the one slat, up the level of the second connecting means 5 once a load is placed on the top portion and the resilient member 3 is compressed as a result of the load being applied. The connection between the top portion and the second connection means does not, as argued, prevent the resilient member from compressing as a load is applied and thereby allowing the top portion to translate to the level of the second connection means.

Salens discloses bearing device having a first and second member for attaching a slat to a frame. Weber clearly discloses a bearing having a first and second resilient members providing variable adjustment of the bearing disposed on opposite sides of a connecting means. The combination as a whole would suggest to one having ordinary skill in the art at the time of the invention a bearing device having variable adjustment on both sides of the connecting means to provide for optimal adjustment and positive support.




***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to FREDRICK C CONLEY whose telephone number is 703-308-7468. The examiner can normally be reached on M-TH.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, HEATHER SHACKELFORD can be reached on 703-308-2978. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

FC  


  
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